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SUPERIOR COURT UPHOLDS STORM WATER PERMIT FOR LOS ANGELES COUNTY

*County, 46-City Challenge to Pollution Controls Dismissed
Water Quality and Public Health to Benefit*

Los Angeles--A Los Angeles Superior Court judge rejected a challenge to clean water regulations brought by the County of Los Angeles and 46 cities. The regulations, approved by the Los Angeles Regional Water Quality Control Board in 2001, seek to prevent rainwater and other runoff from becoming polluted and being transported to local rivers, drinking water recharge grounds and Southern California beaches and bays. The U.S. Environmental Protection Agency has identified stormwater and urban runoff as the most significant source of water pollution in the Los Angeles region and a serious threat to aquatic life and habitat as well as to human health.

The Water Board's 2001 permit updated a 1996 permit by identifying and setting requirements for pollutants in stormwater and other runoff.

"Information collected under prior permits gave us the necessary data to start setting more protective water quality requirements," said Susan Cloke, chair of the Los Angeles Regional Water Board. "Pathogens, bacteria, pesticides and other toxics hitchhike on urban runoff and all urban runoff goes to the Santa Monica Bay and the ocean. These harmful pollutants foul beaches, sicken swimmers, and endanger birds and marine life. The 2001 permit is an essential part of protecting the water quality at our beaches and in our rivers, thus protecting public health and aquatic life," Cloke said.

Judge Victoria Chaney upheld the Water Board's permit in its entirety. Judge Chaney, in her 65-page decision, recognized the need for the permit. Her decision notes, "In Los Angeles County [water quality goals set by the U.S. Congress and the California Legislature] are not being met. It is with this failure and these legislative goals in mind that the Court issues this Statement of Decision [upholding the permit]."

The 2001 permit requires construction sites and similar developments to take modest actions to prevent rainwater and other runoff from becoming polluted and leaving the site. Diverting some storm water to vegetated areas and allowing it to soak into the soil meet requirements. Also, the permit requires municipalities to inspect businesses that have been identified as a significant source of storm water pollution. The storm water inspections allow authorities to identify and work with businesses to comply with municipal storm water ordinances.

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“The 2001 stormwater permit was evolutionary, not revolutionary,” said Francine Diamond, past Chair of the Los Angeles Regional Water Board. “It required modest but meaningful improvements to prevent and contain storm water pollution. These improvements were based on sound science and practical experience—on what we know does and does not work. What was revolutionary was the county’s and cities’ full-scale assault on water quality,” she added.

At the heart of the legal challenge was the claim that the cost of permit compliance was beyond the economic reach of local government and ignored by the Regional Board. An additional claim was that the implementation of the permit would discourage or altogether stop new development. The Court rejected both arguments. Judge Chaney found that the permit requirements were reasonable and that Regional Board had given appropriate consideration to their economic impact. Nearly 40 cities had reached a similar conclusion and opted not to join the lawsuit challenging the permit. The Cities of Los Angeles and El Segundo filed suit but withdrew their challenges after further consideration.

“During the last three years, many cities have stepped to the plate and followed the new stormwater permit regulations,” said Tim Shaheen, Vice Chair of the Water Board. “Contrary to the gloom and doom forecasted by the plaintiffs in this case, the permit has proven itself to be beneficial and effective. Consider Los Angeles, Santa Monica and West Hollywood. The cities have thriving businesses and development continues at a crisp pace. At this time, their stormwater runoff is cleaner and poses less of a threat to the environment and public health.”

The Los Angeles Water Quality Control Board is one of nine regional boards reporting to the State Water Board and, subsequently, the California Environmental Protection Agency. Among its principal duties, the Board sets region-wide water quality standards and activity-specific waste discharge requirements, enforces both federal and state water quality statutes, regulates cleanup of sites which pose an immediate or potential threat to water quality and educates the public on water quality issues.

Additional information about the Los Angeles Regional Water Quality Control Board, its programs can be seen at <http://www.waterboards.ca.gov/losangeles/>

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